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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,228	11/21/2000	Denise L. Draper	337298002US	8365
22434	7590	10/24/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			ROBINSON, GRETA LEE	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

2168

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/718,228	DRAPER ET AL.
	Examiner Greta L. Robinson	Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 August 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 52-64 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-51 and 65-89 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-89 are pending in the present application.
2. Claims 1, 11, 12, 13, 15, 20, 27, 34, 35, 42, 43, 45, 65-67 and 77-80 have been amended. Claims 52-64 have status withdrawn.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkar US Patent 6,418,448 B1.

Regarding claim 18, Sarkar teaches a computer-readable medium containing a data structure for representing results of a query in a canonical format, the format being expressed in XML, the data structure including: a table element ...row elements ... data elements ... [note: abstract methods and operators on such web objects are defined as part of user-defined package; Figures 4-6, 11 and 13; column 6 lines 7-50; column 10 line 10 through column 65; column 16 line 29 through column 17 line 20].

Regarding claim 19, wherein the data structure is represented by the following XML format ... [note: Figures 18 and 19; user-defined package abstract; column 4 line 44 through column 12 line 37].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-17, 20-51 and 65-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalcinalp US Patent 6,507,857 B1 in view of Sarkar et al. US Patent 6,418,448 B1.

Regarding claim 1, **Yalcinalp** teaches a computer-readable medium containing a data structure defining a query definition [note: abstract], the data structure including:

a query specification including query text and parameters, the parameters having values that may be set when the query definition is executed [note: define external component to XSLT processor step 505 and step 525 pass argument defined, Figure 5; column 7 lines 34-44 “various parameters may be associated with the component”];

a results transform that transforms results of executing the query specification into a canonical format [note: element 106 transformation engine Figure 1; column 8 lines 49-61]; and

a data source identifier that identifies a data source to be used when the query specification is executed [note: Figure 2; column 5 lines 7-60];

wherein the data structure encapsulates the query definition [note: Figure 2; column 5 lines 7-60].

Although Yalcinalp teach the invention substantially as cited above, they do not explicitly teach wherein the data structure encapsulates the query definition. **Sarkar** teaches that the JAVA classes encapsulate logic to be applied on relational data or

other media data [note: column 6 lines 14-28; Figures 4 and 6]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Sarkar with Yalcinalp because Sarkar shows how the XML interface is implemented and compatible in a multi-tier client server environment. Also is would have been obvious to have combined the cited references because encapsulation of data objects is a well known technique in the data processing art.

7. Regarding claims 2-3 and 5-10: "wherein the results transform is an XSL transform" ... "wherein the data structure is represented in XML format" ... "wherein the data structure includes a name ... a description ... an author ... date last modified ... can be used for different applications" [note: Yalcinalp Figure 2; column 2 lines 23-64; column 6 line 43 through column 7 line 13].

8. Regarding claims 11-17, the limitations have been addressed above in claims 1-3 and 5-10 except for the following: "transforming the generated result in the raw format to a canonical format ... "updating the value of the parameter wherein the value is stored with the query specification" [see: Yalcinalp transformation steps 305 and 310 Figure 6; column 6 lines 43 through col. 7 lines 26].

9. Regarding claim 20, "computer-based method for performing queries ... under control of different application programs ... receiving a data structure encapsulating of a

query definition" [see: Yalcinalp column 4 lines 61-67; also note Sarkar column 6 lines 14-28; Figures 4 and 6].

10. Regarding claims 21-34 the limitations parallel claims 1-17; therefore they are rejected under the same rationale.

11. Regarding claim 35, "receiving a query definition that includes a query specification ... requesting execution of the query definition to generate results" [note: Yalcinalp Figures 3-5].

12. Regarding claims 36-44, the limitations have been addressed above except for the following: "wherein the query definition is a lens file ... single file" [note: Yalcinalp XML document col. 5 lines 7-67; Sarkar abstract column 4 line 44 through column 12 line 37].

13. The limitations of claims 45-51 have been addressed above in claims 1-3 and 5-10; therefore they are rejected under the same rationale.

14. Regarding claim 4, wherein the data structure conforms with data type definition of XML <!DOCTYPE lens> ... [note: Sarkar teaches user-defined package definition abstract, column 4 line 44 through column 12 line 37].

15. Regarding claims 65-89, wherein the API provides a function that lists available definitions ... provides one or more functions ... [note: Sarkar's framework provides for customization see abstract, column 4 lines 64-67; column 6 lines 51-65; sorting is well known in the data processing arts].

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-51 and 65-89 have been considered but are moot in view of the new ground(s) of rejection.

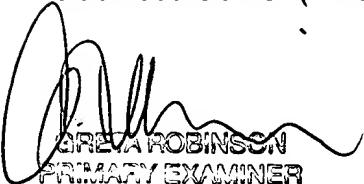
In the response Applicant argued the references do not teach encapsulating a query definition in a data structure nor do they suggest advantages, such as enabling the data structure to be copied and sent to multiple application programs. Yalcinalp fails to disclose setting parameter values by users. Rather, Yalcinalp's parameter values are stored in a style sheet and retrieved when a method of the external component is invoked. Applicant also argued transmitting or receiving a data structure encapsulating a query definition as recited in claims 20 and 45 is not disclosed by the prior art.

In response, the examiner makes reference to Sarkar was cited as teaching encapsulation of data objects or query definition note citations supra; also this is a well known technique in the data processing art. Yalcinalp teaches setting parameter values note column define external component Figure 5 and column 7 lines 34-44 "various parameters may be associated with the component".

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON  
PRIMARY EXAMINER

Greta Robinson  
Primary Examiner  
October 20, 2005